

**CHAPTER NO. 941**

**SENATE BILL NO. 2661**

**By Henry**

Substituted for: House Bill No. 2942

By Whitson, Raymond Walker

AN ACT To amend Tennessee Code Annotated, Title 5, Chapter 1, Part 3, and Section 67-4-606, relative to training incentives for county officials and provide for a portion of the litigation tax to be used and appropriated for such purpose.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 1, Part 3, is amended by adding the following as a new, appropriately designated section:

5-1-3\_\_\_\_\_ (a) Any full-time county officer enumerated in § 8-24-102 who is designated as a "Certified Public Administrator" pursuant to § 5-1-308 shall receive an annual educational incentive payment from the State Treasurer in the amount of three hundred seventy-five dollars (\$375), which amount shall be increased by a like amount each year until the official receiving such designation or continuing such designation shall receive an annual incentive amount of one thousand five hundred dollars (\$1,500).

(b) To be eligible for the educational incentive in any given year, an officer must submit an application therefor to the State Treasurer in the month of July of that year. The application must be made on such form and in such manner as the State Treasurer shall prescribe and must be accompanied with such evidence as shall be required by the Treasurer to prove that the officer has successfully completed all levels of the county officials certificate training program.

(c) The incentive provided for in subsection (a) shall continue to be paid each year to any such county officer; provided, the officer submits to the Treasurer, during the month of July of such year, satisfactory proof of the officer's completion of the continuing education requirements of the program and all other requirements necessary to maintain the officer's designation as a "Certified Public Administrator".

(d) The incentive provided for by this section shall be paid by the State Treasurer from funds appropriated for such purpose and only to eligible full-time county officers making application therefor within the times specified in subsection (b) or subsection (c) of this section. The incentive shall be paid by no later than August 31 of each year. If application for an incentive is not made in any given year within the times specified in subsection (b) or subsection (c) of this section, the officer shall not later be eligible for the incentive payable for that year.

(e) The Treasurer shall offset the amount of any incentive payable to a county officer under this section against any other incentive or payment for professional training or development payable by the state to the officer so that the total amount paid to the officer by the state does not exceed one thousand five hundred dollars (\$1,500).

(f) Notwithstanding this section or any other law to the contrary, the availability or the amount of the incentive authorized by this section shall be subject to the appropriation of funds in each year's General Appropriations Act for the purposes set forth in this section. If, in any given year, the amount appropriated in that year's General Appropriations Act is not sufficient to pay each eligible county officer in full, then the amount available shall be prorated by the Treasurer among such officers. Any unpaid portion shall not be carried forward to subsequent years.

(g) Any payment made pursuant to this section shall be considered as an incentive for the successful completion of educational training and shall not be considered in determining the county officer's average final compensation for retirement purposes pursuant to Title 8, Chapters 34 - 37. Further, the incentive payment shall not be used for the purpose of computing the salary or compensation of any other public official other than the officer receiving the incentive.

(h) The incentive provided for by this section shall not be paid retroactively, but shall become effective for the fiscal year beginning July 1, 1998.


(i) Each county is encouraged and authorized to provide in its annual budget for payment of an annual educational incentive to employees as defined in § 29-20-102(2) who attain the designation of a "Certified Public Administrator" pursuant to § 5-1-308. In any county providing such an incentive, the county executive shall provide to the treasurer the amount of any educational incentive paid in the county and the number of persons receiving such incentive which the treasurer shall compile in an annual report.

SECTION 2. Notwithstanding any provision of law to the contrary, funds required to implement the provisions of this act shall be expended from the general fund and no funds allocated to the State Treasurer shall be obligated for such implementation. It is the legislative intent that the funds of the State Treasurer not be expended to implement the provisions of this act and that no appropriation to the State Treasurer be reduced to offset such implementation costs.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 29, 1998

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 11<sup>th</sup> day of May 1998

  
DON SUNDQUIST, GOVERNOR